

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GEORGE MERLINO,
Plaintiff,

CIVIL ACTION NO. 07-CV-11421-DT

vs.

DISTRICT JUDGE LAWRENCE P. ZATKOFF

JOSEPH WESTWOOD, DR.,
Defendant.

MAGISTRATE JUDGE MONA K. MAJZOUB

_____/

ORDER FOR DEFENDANT TO FILE SUPPLEMENTAL EXHIBIT

Defendant filed his Motion to Dismiss or for Summary Judgment on June 18, 2007. (Docket no. 10). Defendant's Motion relies partially on the contention that Plaintiff failed to properly exhaust his administrative remedies. Exhibit A to Defendant's Motion is a copy of a version of the Michigan Department of Corrections Policy Directive effective on 3/5/07. The Court finds that the preceding version of the prison policy is required to resolve the issue of whether Plaintiff properly exhausted his administrative remedies. Accordingly, Defendant will supplement his Motion with a copy of the preceding version of this policy. Plaintiff may respond to the issue of exhaustion, including submitting any relevant exhibits, on or before noon on August 31, 2007.

IT IS THEREFORE ORDERED that Defendant file, on or before noon on August 24, 2007, a supplemental exhibit to its Motion to Dismiss or for Summary Judgment consisting of the version of the Michigan Department of Corrections Policy Directive 03.02.130 in effect from December 2006 through January 2007. Plaintiff may respond on or before noon on August 31, 2007.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: August 22, 2007

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon George Merlino and Counsel of Record on this date.

Dated: August 22, 2007

s/ Lisa C. Bartlett
Courtroom Deputy